

Chapter 16

Enforcement

Enforcement activities support the implementation of policies developed and documented in the solid waste management plan. This chapter reviews solid waste regulations, which govern local government, the solid waste industry and solid waste generators in Clark County. After describing existing conditions, the chapter looks at needs and opportunities and alternative policies and actions. For additional information on the roles of various agencies in enforcement activities, see Chapter 3, *Administration*. The *Moderate Risk Hazardous Waste Plan* Chapter and the *Waste Collection* Chapters also contain additional information on enforcement needs.

The enforcement goals of Clark County's solid waste programs are:

- To help keep Clark County healthy, clean and livable through the cooperative efforts of the public and private sectors to promote proper disposal of solid waste.
- To maintain an institutional framework that delineates the roles and responsibilities of the various enforcement agencies and ensure that the framework facilitates inter-jurisdictional cooperation, communication and the orderly, cost-effective and environmentally sound management of the solid waste system.
- To ensure that the responsibilities and authorities granted to these implementing agencies allow them to function in an efficient manner.
- To ensure that proper monitoring and regulatory procedures are in place to adequately manage the various solid waste streams generated in Clark County.
- To ensure that enforcement agencies are adequately staffed, funded and managed in a cost-effective manner.

Existing Conditions

A number of different entities are responsible for enforcing solid waste management regulations within Clark County: Clark County, the cities and towns of Clark County, the Southwest Washington Health District (SWWHD), the Southwest Washington Air Pollution Control Authority (SWAPCA), the State Department of Ecology (Ecology) and the Washington Utilities and Transportation Commission (WUTC).

The following sections present first, the authorities of the regulating agencies, then the regulations, which apply to various parties. Summary chart 16-1 lists the regulating agencies and regulated parties, as well as referencing the related regulations.

Regulating Agencies

Clark County

The Clark County Regional Solid Waste Program is responsible for the implementation of the Solid Waste Management Plan and coordination with other enforcement agencies. Garbage collection in unincorporated areas is administered and collection regulations are enforced through the WUTC. The County's Code Enforcement staff is responsible for a variety of solid waste enforcement functions in unincorporated areas of the County including monitoring and controlling illegal dumping, littering, and attractive nuisances. The Solid Waste Program also coordinates with the Clark County Corrections Department to utilize Offender Work Crews devoted to clean up of litter and some illegal dumping. These clean-up activities are conducted in a variety of areas: County road right-of-ways, cities' street right-of-ways, along two State highways, in City and County Parks, along the Salmon Creek Watershed and the Lacamas and Round Lakes.

The County also regulates discharges of moderate and hazardous risk wastes through its Water Quality Ordinance and NPDES program.

Solid Waste Facilities siting and operating permits must conform to the Clark County Solid Waste Management Plan, as well as the State's Minimum Functional Standards (WAC 173-304) and Criteria for Municipal Solid Waste Landfills (WAC 173-351).

Cities and Towns

City of Vancouver. The City contracts for garbage collection. Within the City of Vancouver, the Solid Waste Division is responsible for enforcing compliance with its garbage collection regulations by all-residential and commercial collectors operating within the city through state (RCW 81.77) and local ordinance (VMC 6.12). The city contracts for all residential recycling and yard debris collection. Vancouver also maintains a recycling licensing program for vendors that provide recycling services to business and industry within the city (VMC 5.62). There is mandatory garbage and recycling ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The Division conducts special clean up activities within neighborhoods. The City's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

City of Battle Ground. Garbage collection in Battle Ground is administered and collection regulations are enforced through the WUTC. The city conducts periodic clean-up events within its borders. The City's Code Enforcement office enforces against litter, illegal dumping and nuisance violations.

City of Camas. Camas provides municipal curbside and container garbage collection and contracts for recycling, yard debris and drop box collection services. There is mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City's Code Enforcement offices enforces against litter, illegal dumping and nuisance violations.

City of La Center. Garbage collection in La Center is administered and collection regulations are enforced through the WUTC.

The city conducts periodic clean-up events within its borders. The City's Police or Public Works Department enforces against litter, illegal dumping and nuisance violations.

City of Ridgefield. The City contracts for garbage collection and is responsible for enforcing compliance with its garbage collection regulations by all residential and commercial collectors operating within the city. Recycling collection is administered through the WUTC. There is a mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

City of Washougal. The City contracts for residential, commercial/industrial and drop box garbage collection services as well as recycling and yard debris collection and is responsible for enforcing compliance with its collection regulations by all residential and commercial collectors operating within the city. There is a mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

Town of Yacolt. Garbage collection in Yacolt is administered and collection regulations are enforced through the WUTC. The town conducts periodic clean-up events within its borders. The Town's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

Special Purpose Districts

Southwest Washington Health District (SWWHD)

The Environmental Health Division within the Health District carries the responsibility for enforcing many solid waste regulations and programs within Clark County. It has the ability to enforce certain State regulations such as WAC 173-304, certain regulations and codes of cities and the County, as well as regulations it has adopted, such as the Infectious Waste Ordinance. Several persons who handle solid waste operations and complaints carry out these responsibilities. In addition, one person is responsible for

making recommendations on permits for proposed facilities such as tire, MSW, demolition, and inert waste disposal sites.

The SWWHD's enforcement responsibilities extend to the following areas of solid waste management:

- **Illegal Dumping.** SWWHD receives and investigates public health-related complaints resulting from illegal dumping, burying and accumulations, improper storage and littering. It also issues clean-up orders in conjunction with the jurisdiction.
- **Solid Waste Facilities.** SWWHD issues, renews, and when necessary suspends or revokes permits and makes periodic inspections of solid waste handling facilities and disposal facilities. Inspections ensure that facilities do not create public health problems, nuisances, or environmental contamination. Schedules for corrective or remediation actions are established by SWWHD for facilities, which are not in compliance. All permits must conform to the Clark County Solid Waste Management Plan and the State's Minimum Functional Standards (WAC 173-304).
- **Landfills.** The SWWHD's responsibilities for processing and evaluating permits for solid waste disposal facilities are defined in RCW 70.95.185. These state regulations require jurisdictional health departments to evaluate solid waste permit application for their compliance with all existing laws and regulations and their conformance with the Solid Waste Management Plan and all zoning requirements. The Department of Ecology's review and appeal process for a permit issued by the SWWHD is explained in RCW 70.95.185.

SWWHD inspects all (active and closed) landfills and dumpsites in Clark County and schedules at least twice yearly for compliance with State (Criteria for Municipal Solid Waste Landfills, WAC 173-351), local and SWWHD regulations.

- **Special Wastes.** SWWHD issues permits for a variety of solid waste facilities including demolition and inert waste landfills, composting facilities. SWWHD inspects each of these facilities a minimum of twice yearly.
- **Moderate Risk Hazardous Wastes and Infectious Wastes.** SWWHD enforces State and SWWHD regulations on handling, storage, transport and disposal of Infectious Wastes (HDR 94-27) and Moderate Risk Waste (including waste oil).

Southwest Washington Air Pollution Control Authority (SWAPCA)

SWAPCA has the responsibility of monitoring the emission of air contaminants from sources in Clark County. In terms of solid waste management, this agency monitors emissions from landfills, recycling/transfer facilities, composting sites and contaminated soils sites. SWAPCA also regulates friable asbestos handling and open burning in the County.

Washington State Department of Ecology

RCW 70.95 gives the Department of Ecology (Ecology) the authority to promulgate solid waste regulations; review and appeal facility permits, and approves solid waste management plans. Facility permitting regulations are set forth in WAC 173-304 and are called the Minimum Functional Standards (currently under review). Regulations are also included in WAC 173-351. Jurisdictional health agencies have the authority to permit solid waste handling facilities that are designated in county solid waste management plans. Counties set local standards that must be at least as strict as the state standards.

Washington Utilities and Transportation Commission (WUTC)

The WUTC regulates the collection of solid waste in all unincorporated areas throughout the state and within incorporated areas which do not assume jurisdiction for regulation of solid waste. Certificates are issued by the WUTC allowing private collection companies to operate in a specified area, at a fixed rate, and under certain service conditions. The WUTC's enforcement mechanisms include fines and the revoking of a private collector's right to collect solid waste. The WUTC also enforces against companies, which illegally provide solid waste collection service without a certificate. Solid waste collection is regulated under Chapter 81.77.

Regulated Parties and Activities

Regulations governing solid waste management in Clark County apply to the solid waste industry and individual generators. This section briefly summarizes the regulations pertaining to each of these segments and notes which agencies are currently enforcing the regulations. Additional information on many of the following regulations may be found in the Plan chapter, which addresses the topic.

Regulations Governing The Solid Waste Collection Industry

The WUC, RCW 81.77 and WAC 480-70 regulates solid waste collection. There are two exceptions to WUTC regulation: within those cities that have assumed jurisdictions for regulation of solid waste (Vancouver, Camas, Washougal and Ridgefield), and, within counties or cities that have assumed jurisdiction for regulation of residential recycling collection. The State regulates rates, services and reporting. Haulers that collect within the cities of Vancouver, Washougal and Ridgefield are regulated through collection contracts and ordinances maintained by those cities. City and county contracts address similar issues as well as how and where to deliver the collected waste. Camas is the only city providing municipal collection services. The City of Vancouver licenses commercial recycling services providers.

Waste Flow. The County is authorized by RCW 36.58 to designate disposal sites for all solid waste collected in the unincorporated area of the County. In 1990, the County established a flow control ordinance (Ordinance No. 1990-04-18) as Chapter 9.32 of the Clark County code. This ordinance was adopted in 1990 in tandem with the award of

the County's recycling, transfer, transport and out-of-county disposal contract to Columbia Resource Company (then a subsidiary of Tidewater Barge Lines, Inc., now a subsidiary of Waste Connections Inc.). It authorizes the County to fulfill its commitment by requiring delivery of MSW and residential recyclables to CRC's facility.

The ordinance states that all solid waste, including residential recyclable materials generated and collected by WUTC-certificated haulers in the unincorporated area of the County shall be disposed of at sites designated by the County in its Solid Waste Management Plan (Plan). The Plan designates the two transfer stations in the County. The Flow Control Ordinance also controls the flow of residual (non-recyclable) waste from recycling facilities within the County into the transfer station system. The only exemption from the flow control requirement is the wastes collected by Ted's Sanitary Service in northwest Clark County. The Waste Flow Control Ordinance does not apply to self-hauled* wastes and recyclable materials, or non-residential generated recyclable materials (exempted by RCW 81.77). Interlocal agreements between the County and cities require cities to adopt local ordinances with language similar to the County's flow control ordinance and to use their best efforts, through collection contracts and other means, to enforce the flow of materials to County-contracted facilities.

(*Self-hauled is defined as persons who collect and/or transport solid waste and recyclables in their own vehicles as a mere incident of conducting a business not related to solid waste handling, and who are not directly compensated by another person for doing so.)

Illegal Hauling. Illegal solid waste hauling activity is enforced by either the WUTC or by the cities that have assumed jurisdiction for regulation of solid waste.

Regulations governing the Solid Waste Handling Operations and Facilities

These facilities and operators are subject to the State's Minimum Functional Standards, WAC 173-304, which are enforced jointly by Ecology and the SWWHD, through a solid waste handling facility permit system. Facility siting is regulated by both State siting standards and county or city land use ordinances, which require conditional use permits for solid waste facilities. Disposal facilities are subject to additional regulations, including long term monitoring, WAC 173-351. The state solid waste regulations that Ecology enforces result from state legislation, RCW 70.95, and federal laws, such as the Resource Conservation and Recovery Act (RCRA), the Clean Water Act, the Clean Air Act and others.

Regulations governing waste generators

County, cities and town conduct illegal dumping enforcement and abatement activities within their boundaries, including cleaning up dump sites, identifying offenders and enforcing municipal codes on illegal dumping and private accumulations of materials. Beginning in 1998, Ecology and the County solid waste staff assisted by administering a litter clean-up funding program. Litter clean-up activities are conducted by the Clark

County Corrections Department and municipalities, the Department of Ecology's Youth Corps program, and volunteer groups.

During the first half of 1998, the SWWHD received 84 illegal dumping complaints. Of these, 23 involved moderate risk wastes, often mixed with municipal solid waste (MSW), and 10 involved illegal dumpsites. The SWWHD enforces SWWHD regulations on infectious waste and moderate risk hazardous wastes (including waste oil) and responds to complaints regarding illegal dumping, burying and accumulations of waste on private property. The County also regulates discharges of moderate and hazardous risk wastes through its Water Quality Ordinance and National Pollutant Discharge Elimination System (NPDES) program.

Clark County requires all waste haulers – individuals as well as businesses – to cover waste being transported to county solid waste facilities, to prevent littering. The facility operators assist the county in enforcing the “uncovered load” ordinance by issuing informational brochures and warnings; selling tarps (an option offered in lieu of a fine) and notifying the County of repeat offenders.

Several cities, including the city of Vancouver, have ordinances that require generators to have garbage and recycling service and to comply with city codes (e.g., applicable Vancouver codes are VMC 6.12 and 5.62). This allows the city to resolve illegal hauling situations by enforcing against the legal or unlicensed garbage hauler/recycler or the generator who is using the hauler. While not often utilized, it is an additional tool for the city.

RCW 70.94.743 permanently banned open burning within the southern Clark County carbon monoxide non-attainment area on November 6, 1994. That area roughly corresponds with the Vancouver, Camas and Washougal urban areas. While open burning of natural vegetation is still allowed outside of this urban area, permits are required and additional rural locations may be affected by the burn ban expanding as a result of changes to chapter 173-425 WAC “Outdoor Burning”. SWAPCA received 117 open burning complaints in 1997. Even in the “burn ban” area, many of the enforcement actions involve burning of prohibited materials, such as municipal solid waste. WAC 173-430 “Agricultural Burning” became effective in early 1996, allowing continued agricultural burning in some areas where all other open burning is prohibited.

Enforcement roles for solid waste management in Clark County are summarized in Table 16-1.

Table 16-1 Solid Waste Enforcement Roles in Clark County		
Regulated Parties	Regulations	Enforcement Agencies
Solid Waste Industry		
Collection	RCW 81.77, WAC 480-70 City & County Contracts & Ordinances	WUTC County, Vancouver, Camas, Washougal, Ridgefield
Handling Operations & Facilities (disposal/transport)	County & City land use regs WAC 173-304, WAC 173-351 HDR 94-27	County & Cities SWWHD & Ecology SWWHD
Waste Generators	City “mandatory solid waste” and recycling ordinances County, City & SWWHD ordinances on illegal dumping, littering, nuisance accumulation County “covered load” ordinance Burn ban, asbestos, PCS County Water Quality ordinance Hazardous material handling Industrial waste regulations Infectious Waste ordinance RCRA Subtitle D Clark County Code Chapter 18	Cities SWWHD, Cities County SWAPCA County Ecology Ecology SWWHD EPA County, SWWHD

Regulatory and Enforcement Needs and Opportunities

This section documents the needs and opportunities related to enforcing the solid waste management programs in Clark County.

Local Government-

Collection. A revision of RCW 81.77, giving counties the same options as cities to manage solid waste collection, would provide Clark County with another tool in its toolbox, if the need arises for its use.

Funding for Enforcement. Revisions to RCW 36.58, providing broader funding options for state-required county solid waste roles, should also be considered.

Waste Flow. Recent federal court decisions, such as *Town of Clarkstown v. C&A Carbone* have called into question the enforceability of the County’s flow control ordinance. Considering recent flow control developments, the County should investigate the likelihood of any challenge to its flow control ordinance and other ways to achieve the same objective, such as solid waste collection and/or disposal districts.

Solid Waste Industry: solid waste collection

Regulations governing exclusive garbage-hauling rights, at both the State and city levels, need additional enforcement. Due to changing market conditions, particularly declining landfill disposal fees, increasing options for sorting commercial waste in adjacent counties and in Oregon, the need for certain types of waste for structural fill in a landfill located in an adjacent county and significant consolidation of solid waste collection and disposal companies, incentives to violate city ordinances and state law (RCW 81.77) are growing.

In some cases, minor differences in the interpretation of laws explain why collection practices are taking “market share” away from companies that are granted exclusive garbage-hauling permits by WUTC and the cities. A variety of interpretations of Oregon case law further worsen the situation. The infractions are generally in two areas: 1) precise definitions of who is not regulated – one transporting waste in his own vehicle, incidental to some other established private business owned or operated by him in good faith, RCW 81.77.010(5); and 2) precise definitions of which materials are not regulated, such as commercially-generated recyclable commodities. RCW 81.77.140 does not prohibit “a commercial or industrial generator of commercial recyclable materials from selling, conveying or arranging for transportation of such material to a recycler for reuse or reclamation.

The City of Vancouver’s recycling license provisions, VMC 5.62, do not apply to “any manufacturer or distributor as an incidental part of the conduct of its own business.” “Recyclable materials” are intentionally separated from solid waste by the original consumer, among other definitional provisions. The County could seek to implement a similar set of recycling rules and licensing for commercial recycling.

Enforcement of these exclusive hauling rights ordinances is expensive and slow. Options include funding additional enforcement staff at state, city, SWWHD and/or County enforcement agencies; increasing fines; adopting a County ordinance to support the existing state and city laws; modifying existing regulations; or, possibly deregulating some portions of the solid waste collection businesses.

The existing County Flow Control Ordinance, Code Chapter 9.32, will need to be periodically reviewed, in light of future court decisions, to ensure that it sufficiently supports the County’s responsibilities under its contract with CRC. In addition, the County may need to consider enacting a service level ordinance to encourage WUTC-certificated haulers to provide certain services within their collection areas or for the WUTC to use incentive rate structures. (See *Waste Collection Chapter* for more discussion of this issue).

Solid Waste Industry: Handling Operations and Facilities

Regulations governing these operations and facilities, WAC 173-304 (Minimum Functional Standards for Solid Waste Handling), are currently under review by the State

Department of Ecology. It could be that lessening notice and review requirements for recycling facilities would encourage recycling and increase uniformity in enforcement throughout the State. As the solid waste industry continues to evolve, regulations and enforcement will need to be continually reviewed and updated to address current situations.

Solid Waste Generators

Illegal dumping, littering and nuisance accumulation of wastes, self disposal

These activities require additional enforcement in Clark County. Residents, who want to report such violations, need access to better, more comprehensive service – higher profile information and one agency to contact that has authority to handle the issue. Enforcement agencies would also benefit by avoiding duplication of services.

Enforcement on these issues is currently a responsibility of the SWWHD, the County and cities. For a number of years, there have been concerns about efficiencies and appropriate levels of resources allocation for enforcement. Vancouver performs substantial enforcement activity, including issuing citations and prosecuting offenders through the court system. The County and other cities and town also perform enforcement on a variety of situations, including but not limited to nuisance accumulations, illegal dumping, littering and abandoned vehicles. In light of the growing population, limited budgets and overlapping services, the issues surrounding enforcement roles and funding should be explored for role clarification and efficiencies. New regulations and education of commercial or C/D generators may increase the likelihood of ensuring compliance.

Materials

Identifying and authorizing proper disposal. SWWHD, Ecology and County/city staff work with the generators of questionable or unknown waste to inform them of the relevant State and local regulations, as well as the potential environmental and human health risks posed by a given wastes materials. Occasionally when suspect wastes arrive at transfer stations, the SWWHD works with the permitted solid waste facilities that accept wastes. A process for waste identification and disposal could provide a mechanism to reviewing and authorizing the appropriate disposal of certain wastes. Such a process could include review of information from the waste generator, a sampling and analysis, inspection of the waste generation process, determination and appropriate disposal options, development of policies and procedures related to such a program and education regarding various waste streams. Staff of the various agencies could then begin to work with businesses on a more industry-wide basis. Business types most likely to generate waste that are marginal for landfilling could be identified and contacted.

Self-Disposal.

Current County (24.12.060) and cities' code allows for burial of wastes, which were generated on site. This includes solid waste resulting from residential or agricultural activities as well as non-putrescible commercial or industrial waste. Onsite burial of waste has resulted in problems such as health and sanitation problems, contamination of soils and/or water, attraction of vectors, settling of land into depressions, discovery of unwanted buried and subsequent removal of wastes by new property owners. Fertilizing, composting and storing of animal manure or plant material is also allowed but problems resulting from such activities are usually readily apparent to sight and smell.

Local Hazardous Waste Management.

Local governments are required to plan and implement program. The SWWHD and the County had addressed these issues under the 1989 Moderate Risk Hazardous Waste Plan, which was adopted by Clark, Klickitat and Skamania counties. A revised Clark County Moderate Hazardous Waste Plan will be adopted as a part of this solid waste management plan. Enforcement of proper disposal will occur through the SWWHD ordinance and the County Water Quality Ordinance. The County's Water Quality ordinance does not apply within cities. Therefore enforcement capabilities to enable citing for illegal disposal of moderate risk waste contaminated liquid/semi-liquid wastes, grease or other commercial wastes within Clark County cities and towns are less.

Interagency roles in enforcement activities

There is a need for additional cooperation and coordination between the cities, departments within the County and the SWWHD. Various agencies have overlapping roles, provide various types of services and have priorities which may or may not be consistent with the jurisdiction's expectations or needs. Clarification of roles and ongoing communication is needed for efficient, effective service delivery. In addition, the general public needs information on which agency to contact for which situation.

The primary agency charged with responding to illegal dumping complaints for all the cities and the unincorporated areas of the County is the SWWHD. The major source of funding for this program comes to the SWWHD from a state grant. All cities, town and County also receive calls and enforce against illegal dumping activities. When incidents are reported, the staff responds to complaints and investigates the dumpsite.

The State decriminalized illegal dumping several years ago, however, currently there are discussions to reverse that decision. Within some cities, illegal dumping is a civil offense. County Code states that illegal dumping is a criminal offense. It is classified as a misdemeanor, and carries a fine of \$50 to \$500. If the 'dumper' can be identified, the violator can be required to clean up the site or can be pressed for prosecution, with a maximum of 90 days in jail or pay a fine. However, the enforcement of illegal dumping and other solid waste related complaints is a lower priority within the legal system,

compared to other more pressing cases. More money may be spent trying to enforce against the dumper than it would cost to do the cleanup. The systems for citing and prosecuting within the different jurisdictions vary. For example, the City of Vancouver deputizes members of its solid waste staff to cite and allow for civil fines while the County's legal system requires citing and prosecution through the courts as a criminal offense. Vancouver's system allows for a more efficient, speedier and cost-effective resolution.

In the event that the dumper is not identified, the property owner is responsible for the cleanup and is notified by the SWWHD or locational jurisdiction of the complaint. If the site is on public right-of-way, the appropriate public works department is notified. Other solid waste related issues handled by 'compliance' staff of the SWWHD or local jurisdictions include litter, improper storage or disposal of solid waste (which includes burial of the waste on the site that it was generated on).

Various agencies respond to hazardous waste spills and encounters hazardous waste in a variety of circumstances. The level of personal training varies among the agencies. The funding and equipping for the various circumstances also varies. Better coordination between the agencies could enhance response performance and personnel safety.

Alternatives

The following is the complete list of enforcement alternatives that was considered by SWAC.

State Agency Regulatory and Enforcement Issues

- 1. Encourage WUTC to provide more active enforcement of its exclusive garbage hauling franchises; one option to doing this is by delegating authority to local authorities.*
- 2. Participate in Ecology processes that continue the update of state regulations, as the solid waste industry evolves, to promote fair treatment and stability for partners in the county's solid waste management system.*

Regional/Local Regulatory and Enforcement Issues

- 3. Develop educational strategies for the building and business communities, as well as the general public, which explain recycling, exclusive and non-exclusive loads, self-hauling, lists authorized haulers and recyclers.*
- 4. Commercial generated waste should not be exempted from "exclusive hauling" ordinances. Re-evaluate issue at the next contract review or plan update process.*

5. *County and cities develop and implement ordinances to allow enforcement of existing city, county and state regulations through fines and penalties. County and cities' licensing programs should be consistent and coordinated.*
6. *Develop and distribute a handbook that describes the role of the various agencies regarding enforcement activities, roles and contacts in Clark County and its cities. Create two versions of the handbook: one for internal agency use, the second for the general public.*
7. *Develop an interagency agreement that addresses roles, responsibilities and funding and ensures effective communication among all parties.*
8. *Establish and publicize one central contact clearinghouse with a "hotline" to assist the public in their efforts to report environmental enforcement issues, such as spills, illegal dumping, littering and nuisances.*
9. *Develop a coordinated public outreach and education program that includes items such as a hotline, 'who to call' directory and brochures.*
10. *Continue to leave the issue of illegal dumping on public or private forestlands to the managing agency or owner.*
11. *Develop a coordinated community spill response plan and work to ensure that interagency and intra-agency spill response training and education occurs.*
12. *Develop and hold training's for appropriate response for spills and other improperly discarded materials such as used syringes, infectious wastes, meth lab materials, liquid and other hazardous wastes for agencies, solid waste collection drivers and other contractors.*
13. *Develop an enforcement position, with appropriate authority, for handling littering, illegal dumping, accumulations/attractive nuisances, and other solid waste related issues.*
14. *The County should develop a new, simplified enforcement strategy that includes ticket writing authority at a staff level.*
15. *The County and cities should update their ordinances to eliminate the provisions that allow for:*
 - a. *Disposal of residential or agricultural wastes onsite if the waste is household garbage, toxic or otherwise capable of leaching contaminants to ground or surface water and/or potentially generates vector attraction or a public health nuisance; and*
 - b. *Dumping of industrially or commercially generate waste onsite.*

16. *Encourage Clark County cities which adopt stormwater ordinances to include enforcement capabilities to enable citing for illegal disposal of moderate risk waste, contaminated liquid/semi-liquid wastes, grease or other commercial wastes.*

Evaluation of Alternatives

The following alternatives were considered by SWAC, after receiving recommendations from the Enforcement Technical Team and the Waste Handling Technical Team. Due to the technical nature of some of the issues, these two Technical Teams were convened by SWAC to discuss the issues and develop consensus recommendations (when possible). The Waste Handling Technical team dealt with collection issues and was composed of stakeholders representing governments, the collection and disposal industries and a member of SWAC. An Enforcement Technical Team dealt with the roles, authorities and funding of the enforcement agencies and was composed of representatives from cities, the County and the SWWHD. (See *Appendix* for more information on the technical teams).

State Agency Regulatory and Enforcement Issues

1. *Encourage WUTC to provide more active enforcement of its exclusive garbage hauling franchises; one option to doing this is by delegating authority to local authorities.*

The WUTC has the authority to issue collection certificates and the responsibility to enforce against illegal haulers and haulers which are not meeting performance standards. The WUTC has one enforcement staff person assigned to the central and southern portions of the westside of the State. Clark County has had repeated incidents of illegal garbage hauling, has performed evidence gathering and then has had to rely on this outside agency to enforce against the illegal hauler. The County would prefer that enforcement receives a greater priority at the WUTC, or that authority could be delegated to local authorities to carry out.

2. *Participate in Ecology processes that continue the update of state regulations, as the solid waste industry evolves, to promote fair treatment and stability for partners in the county's solid waste management system.*

Regulations governing these operations and facilities, WAC 173-304 (Minimum Functional Standards for Solid Waste Handling), are currently under review by the State Department of Ecology. A need exists for lessening notice and review requirements for recycling facilities to encourage recycling and to increase uniformity in enforcement throughout the State. As the solid waste industry continues to evolve, regulations and enforcement will need to be continually reviewed and updated to address current situations. The County should participate in discussions with Ecology as state regulations are reviewed for potential changes.

Regional/Local Regulatory and Enforcement Issues

3. *Develop educational strategies for the building and business communities, as well as the general public, which explain recycling, exclusive and non-exclusive loads, self-hauling, lists authorized haulers and recyclers.*

The Waste Handling Technical Team met to clarify which type of specific generators, materials and transporters are subject to “exclusive hauling” ordinance and then develop a strategy for publicizing that information. Discussions concluded with the following consensus points:

Point A. All generators of solid waste are subject to comply with exclusive hauling ordinances unless they are self-hauling (Self-Haul means a person who, in his own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith.)

Point B. All loads are subject to exclusive hauling ordinances unless the materials in the load are source separated and are to be recycled, or, the materials are commingled in a load with no more than de minimis amounts of solid waste (or residual that cannot be recycled) and are to be recycled. The final dispositions of these loads are recycling facilities or energy recovery facilities for certain materials and there is no residual.

Point C. It is the intent of the generator (and therefore the hauler) to recycle. Intent shall be evidenced by separate solid waste containers, education (signage and allowable materials), and the final disposition of the materials.

Point D. Any materials collected for recycling shall not be landfilled.

Point E. Materials and other special waste materials, which are exempt by Washington State law, that is tires, commercially generated used oil, and other hazardous waste materials, are also exempted from exclusive hauling ordinances. Landclearing materials, as defined within the 1994 Clark County Solid Waste Management Plan as “Stumps, brush, vines, tree branches, mud, soil, sod, rocks, boulders, and similar materials,” if source separated from other wastes, is also exempt.

Education should be conducted by the County and cities, as well as by haulers, which clarifies the above points and informs the building and business community of the available options and opportunities for recycling and disposal.

4. *Commercial generated waste should not be exempted from “exclusive e hauling” ordinances. Re-evaluate issue at the next contract review or plan update process.*

The Waste Handling Technical Team considered exempting certain commercially generated waste, such as mixed construction debris, from “exclusive hauling” ordinances. Discussions concluded with the following consensus points.

The State has assigned primary responsibility for solid waste planning and solid waste handling to local governments in order to prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state (RCW 70.95.020). This authority allows the County to identify recyclable materials within its solid waste management plan (RCW 70.95.030 (14). Designated recyclable materials would be separated from solid waste to be recycled or reused. Mixed construction debris cannot be differentiated from solid waste.

Point A. All generators of solid waste are subject to comply with exclusive hauling ordinances unless they are self-hauling (Self-Haul means the same as defined for “Private Carrier” under RCW 81.77. “Self Haul means a person who, in his own vehicle, transports solid waste purely as an incidental adjunct to some other established private business owned or operated by him in good faith.”)

Point B. Only self-haul or source separated loads and commingled loads with de minimis amounts of solid waste are exempt. (“De Minimis” means an amount that is “exceptionally or notably small, so small it doesn’t matter.”)

5. *County and cities develop and implement ordinances to allow enforcement of existing city, county and state regulations through fines and penalties. County and cities’ licensing programs should be consistent and coordinated.*

The Waste Handling Technical team discussed developing additional enforcement capabilities for enforcing hauling ordinances, such as a county ordinance requiring all haulers to meet all city, county and state regulations. Discussions concluded with the following consensus points:

Point A. Proposed enforcement strategy involves: educating generators on solid waste and recyclable loads; haulers working with generators of non-complying loads; local government works with generator of non-complying loads.

Point B. County and cities (other than the City of Vancouver) develop ordinances to allow enforcement of existing WUTC regulations through fines/civil penalties. County should encourage the WUTC to clarify language and definitions.

Point C. County and cities should develop ordinance to license recyclers. County and City of Vancouver licensing programs should be consistent and coordinated.

6. *Develop and distribute a handbook that describes the role of the various agencies regarding enforcement activities, roles and contacts in Clark County and its cities. Create two versions of the handbook: one for internal agency use, the second for the general public.*

The Enforcement Technical team discussed the roles and related funding issues of the SWWHD, the County, cities and other agencies regarding solid waste enforcement responsibilities in Clark County and its cities. The discussions revealed that there is overlap of services and confusion on who to call for which type of incident. The confusion exists between agencies' staffs and the general public. A listing of types of incidents and responding agencies was developed. After confirmation by other agencies, a handbook(s) or listing of contracts for the various issues could be created. The goal of the handbooks would be to help inform the general public, the private sector and governments on the appropriate agency to call and to increase the efficiencies of the contacted agencies.

7. *Develop an interagency agreement that addresses roles, responsibilities and funding and ensures effective communication among all parties.*

The Enforcement Technical Team discussed developing an interagency agreement that ensures complaint resolution, promotes convenience and efficiency for the public and ensures effective communication among all parties.

Roles and responsibilities have been proposed by the Enforcement Technical team for the purpose of ensuring the best use of resources and respecting the authorities of the State, SWWHD and local governments over specific solid waste enforcement practices. Effective communication and coordination will be required to accomplish the goals and activities for enforcement of the Plan and to minimize duplication of efforts and service gaps. The enforcement practices could be implemented through cooperative and individual efforts of governments and private sector. Ongoing communications will be necessary to discuss key issues, develop plans and programs, as well as to implement and assess programs. Funding solutions need to be established. An interagency agreement between the County and the SWWHD is the best mechanism to accomplish these multiple objectives.

8. *Establish and publicize one central contact clearinghouse with a "hotline" to assist the public in their efforts to report environmental enforcement issues, such as spills, illegal dumping, littering and nuisances.*

The purpose of a hotline is to provide better public service. It will ensure that the public has a simple and understandable way to report incidents. The County could provide the service through one of several possible divisions, perhaps to include other environmental types of incidents. Regional coordination will be required to set up and maintain reliable referrals to the appropriate agencies.

9. *Develop a coordinated public outreach and education program that includes items such as a hotline, 'who to call' directory and brochures.*

Large segments of the general public and certain targeted generated may not be aware of the health, safety, social, economic, environmental and legal consequences of illegal or accidental activities such as dumping, spills and other solid waste incidents. They may not be aware of legal recycling and disposal options, or appropriate agencies to call for assistance. Effective promotional and educational efforts will raise awareness and help prevent illegal activities and environmental and health risks.

10. Continue to leave the issue of illegal dumping on public or private forestlands to the managing agency or owner.

Continuing in this current direction, with the addition of possible assistance by public agencies in investigation and prosecution of perpetrators will not require a change in policy.

11. Develop a coordinated community spill response plan and work to ensure that interagency and intra-agency spill response training and education occurs.

Various agencies respond to hazardous waste spills and encounter hazardous waste in a variety of circumstances. The level of personnel training varies among the agencies could enhance response performance and personnel safety.

12. Develop and hold training's for appropriate response for spills and other improperly discarded materials such as used syringes, infectious wastes, meth lab materials, liquid and other hazardous wastes for agencies, solid waste collection drivers and other contractors.

Various agencies and private contractors respond to hazardous waste spills and encounter hazardous waste in a variety of circumstances. The level of personnel training varies among the agencies, the funding and equipping for the various circumstances also varies. Better coordination and trainings between the agencies could enhance response performance and personnel safety.

13. Develop an enforcement position, with appropriate authority, for handling littering, illegal dumping, accumulations/attractive nuisances, and other solid waste related issues.

Enforcement on these issues is currently a responsibility of the SWWHD, the County and cities. For a number of years, there have been concerns about efficiencies and appropriate levels of resource allocation for enforcement. Vancouver performs substantial enforcement activity, including issuing citations and prosecuting offenders through the court system. The County and other cities and town also perform enforcement on a variety of situations, including but not limited to nuisance accumulations, illegal dumping, littering and abandoned vehicles. The SWWHD has received the State's solid waste enforcement funds for Clark County. In light of the growing population, limited budgets and overlapping services, the issues

surrounding enforcement roles and funding should be explored for role clarification and efficiencies.

14. The County should develop a new, simplified enforcement strategy that includes ticket writing authority at a staff level.

Enforcement of solid waste issues is not a high priority for the police and sheriff departments. The system for citing and prosecuting within the different jurisdictions vary. For example, the City of Vancouver authorized professional staff to cite and allow for civil fines while the County's legal system requires citing and prosecution through courts as a criminal offense. Vancouver's system allows for a more efficient, speedier and cost-effective resolution. The County, could by ordinance, create a similar system. Enforcement staff should be separate from educational and technical assistance staff.

15. The County and cities should update their ordinances to eliminate the provisions that allow for:

- a) Disposal of residential or agricultural wastes onsite if the waste is household garbage, toxic or otherwise capable of leaching contaminants to ground or surface water and/or potentially generates vector attraction or a public health nuisance; and*
- b) Dumping of industrially or commercially generate waste onsite.*

Current County (24.12.060) and cities' code allows for burial of wastes, which were, generated onsite. This includes solid waste resulting from residential or agricultural activities wastes as well as non-putrescible commercial or industrial waste. Onsite burial of waste has resulted in problems such as health and sanitation problems, contamination of soils and/or water, attraction of vectors, settling of land into depressions, discovery of unwanted buried and subsequent removal of wastes by new property owners.

Fertilizing, composting and storing of animal manure or plant material is also allowed but problems resulting from such activities are usually readily apparent. Ordinance changes would continue to exempt these activities, but disallow burial of wastes, unless permitted by grading or solid waste disposal systems.

16. Encourage Clark County cities which adopt stormwater ordinances to include enforcement capabilities to enable citing for illegal disposal of moderate risk waste, contaminated liquid/semi-liquid wastes, grease or other commercial wastes.

Enforcement of the Moderate Risk Hazardous Waste Plan will occur through the SWWHD ordinance and the County Water Quality Ordinance. The County's ordinance does not apply within cities. Therefore, enforcement capabilities to enable citing for illegal disposal of moderate risk waste, contaminated liquid/semi-liquid wastes, grease or other commercial wastes within Clark County cities and

town are less. Drinking water supplies and surface waters (i.e. lakes and rivers) are receiving increasing protections from sources of contamination. Cities wanting increase enforcement mechanisms should consider adopting stormwater ordinances.

Recommendations

State Agency Regulatory and Enforcement Issues

1. *Encourage WUTC to provide more active enforcement of its exclusive garbage hauling franchises; one option to doing this is by delegating authority to local authorities.*
2. *Participate in Ecology processes that continue the update of state regulations, as the solid waste industry evolves, to promote fair treatment and stability for partners in the county's solid waste management system.*

Regional/Local Regulatory and Enforcement Issues

3. *Develop educational strategies for the building and business communities, as well as the general public, which explain recycling, exclusive and non-exclusive loads, self-hauling, lists authorized haulers and recyclers.*
4. *Commercial generated waste should not be exempted from "exclusive e hauling" ordinances. Re-evaluate issue at the next contract review or plan update process.*
5. *County and cities develop and implement ordinances to allow enforcement of existing city, county and state regulations through fines and penalties. County and cities' licensing programs should be consistent and coordinated.*
6. *Develop and distribute a handbook that describes the role of the various agencies regarding enforcement activities, roles and contacts in Clark County and its cities. Create two versions of the handbook: one for internal agency use, the second for the general public.*
7. *Develop an interagency agreement that addresses roles, responsibilities and funding and ensures effective communication among all parties.*
8. *Establish and publicize one central contact clearinghouse with a "hotline" to assist the public in their efforts to report environmental enforcement issues, such as spills, illegal dumping, littering and nuisances.*
9. *Develop a coordinated public outreach and education program that includes items such as a hotline, 'who to call' directory and brochures.*
10. *Continue to leave the issue of illegal dumping on public or private forestlands to the managing agency or owner.*

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